IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

MFA.No. 173 of 1993()

ORDER DATED 15.12.1992 IN WCC.95/1992 of W.C.C., KANNUR
.....

APPELLANT/2ND OPPOSITE PARTY:

THE NEW INDIA ASSURANCE CO. LTD.,
REGIONAL OFFICE, KANDAMKULATHY TOWER,
M.G.ROAD, ERNAKULAM, REP. BY ITS DEPUTY MANAGER.

BY ADV. SRI.VPK.PANICKER

RESPONDENTS/APPLICANT AND 1ST OPPOSITE PARTY:

1.K.S.UDAYA KUMAR,UDAYA NIVAS,
P.O.PUTHOORVAYAL, KALPETTA.

2.K.K.ABDULLA,HASEENA HOUSE,
R.C.CHURCH ROAD, KALPETTA.
(DIED)

ADDL.RESPONDENTS:

3.KUNJIMARIYAM, W/O.K.K.ABDULLA,
AGED 61, HASEENA HOUSE, R.C.CHURCH ROAD,
KALPETTA.

4.AZEENA,D/O.ABDULLA, HASEENA HOUSE,
DO. DO.

5.NIZA, D/O.ABDULLA, HASEENA HOUSE,
DO. DO.

6.NAJEEB, S/O.ABDULLA, DO. DO.

ADDL.RESPONDENTS 3 TO 6 ARE IMPLEADED AS THE LRS. OF DECEASED 2ND RESPONDENT AS PER ORDER DATED 22.1.2007 IN I.A.2267/2006.

BY ADV. SRI.C.J.JOY
SMT.BEENA THOMAS
SRI.C.C.ABRAHAM
SRI.GEORGE K.THEKKEL
SRI.G.BALAMURALEEDHARAN (PARAVUR) FOR R3 TO R6
SRI.MATHEWS V.JACOB (PARAVUR)
SRI.N.T.NANDAKUMAR (PARAVUR)

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.F.A.173/1993

ORDER ON C.M.P.NO.716/1993 IN M.F.A.173/1993

DISMISSED.

23.5.2007 **SD/- J.B.KOSHY, JUDGE**

SD/- K.P.BALACHANDRAN, JUDGE

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.173 OF 1993 ()

Dated this the 23rd day of May, 2007

J U D G M E N T

KOSHY,J.

This appeal is filed against the award of the Commissioner for Workmen's Compensation, Kannur by the Insurance company. As a finding of fact Commissioner found that accident occurred during the course of employment and hence arising out of employment and compensation was awarded as per the Schedule. Claimant (1st respondent in the appeal) died on 10.7.2002 and so far legal representatives were not impleaded and hence this appeal is dismissed as abated.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.173 OF 1993 ()

J U D G M E N T

23rd May, 2007